

News from Ed Markey

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NRC WATERS DOWN FIRE SAFETY REGULATIONS **Nuclear Regulatory Commission Toasts 25th Anniversary of 3 Mile Island Disaster by** **Weakening Safety Regulations**

Washington, DC: Congressman Edward J. Markey (D-MA), a senior Member of the House Energy and Commerce Committee and Select Committee on Homeland Security, along with Rep. John D. Dingell (D-MI), Ranking Democrat on the House Energy and Commerce Committee, today released a letter to Nuclear Regulatory Commission (NRC) Chairman Nils Diaz about the NRC plan to dramatically weaken its fire protection regulations intended to ensure that a nuclear reactor can be safely and automatically shut down in the event of a fire caused by a terrorist attack or accident.

“It appears that after discovering that many nuclear reactor operators were out of compliance with the fire regulations, the Commission has decided to gut these regulations rather than insist that industry actually comply with them,” said Rep. Markey. “I find it remarkable that at the same time the NRC is citing improved fire protection regulations at the top of its list of post-Three Mile Island reforms, it is simultaneously proposing to eviscerate these very same regulations.” Markey continued, “Getting rid of nuclear safety regulations because many in the nuclear industry fail to comply with them is like repealing all the speed limits because many people drive too fast. It appears that the NRC’s version of a “compliance issue” is deciding how far it can go in complying with the fondest wishes of the regulated industry. Instead of weakening these rules, the NRC should do a better job of enforcing them.”

Current NRC regulations require the use of fire barrier materials and/or physical separation between systems used to automatically shut down reactors that are on fire. After determining that many reactors were out of compliance with these regulations, the NRC is now proposing that reactor licensees be allowed to rely on manual shut-downs instead. This would assign reactor personnel the duty of rushing directly to the shut-down equipment located throughout the reactor complex to shut down the reactors manually, which would potentially take place in areas impacted by smoke, fire and radiation and possibly under attack by terrorists. If these personnel fail to reach the shut-down equipment, the result could be catastrophic.

After the 1975 Browns Ferry reactor accident, when a fire burned uncontrolled for nearly eight hours, the NRC required the use of non-combustible materials and fire barriers in order to reasonably ensure that no single fire could disable a reactor’s ability to remotely and safely shut down. However, many of these supposedly fire barrier materials were then shown to be combustible and inoperable – and NRC then changed the rules requiring that they be non-combustible. In May 1997, Rep. Markey sent a letter to then-NRC Chairman Shirley Jackson that asked why the Commission was allowing materials that were intended to provide fire protection to instead be a fire hazard themselves (see http://www.house.gov/markey/Issues/iss_terrorism_ltr970508.pdf). By 1998, the Commission issued Orders requiring licensees to replace or repair these fire barriers, but instead of complying, licensees

decided to rely on Operator Manual Actions requiring reactor personnel to shut down the reactors manually in the event of a large fire, and did so without NRC permission. The current proposal essentially rubber stamps widespread industry non-compliance.

According to materials obtained from the NRC by the Nuclear Information and Resource Service, the following is a partial list of reactors that are out of compliance with NRC fire protection regulations: **Arizona:** Palo Verde Units 1,2,3; **Arkansas:** Arkansas Nuclear One Units 1, 2; **California:** Diablo Canyon Units 1,2; **Florida:** Crystal River, St. Lucie, Turkey Point 3,4; **Louisiana:** River Bend; **Mississippi:** Grand Gulf; **Nebraska:** Fort Calhoun; **New Jersey:** Oyster Creek; **North Carolina:** Shearon Harris 1, McGuire Units 1,2; **Ohio:** Davis-Besse; **Pennsylvania:** Sequoyah Units 1,2, Beaver Valley 2; **Tennessee:** Watts Bar; **Texas:** Comanche Peak 1,2.

Rep. Markey concluded, “This month marks the 25th anniversary of the Three Mile Island accident. If there’s anything that we should have learned from that accident, it is that we need both strong technical safety systems and well-trained reactor personnel to assure nuclear safety. Relying only on human beings to shut down systems during a fire, increases the likelihood that operator error or inability to complete a manual shut down will result in a catastrophic event”.

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